

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JOHN C. FLETCHER, )  
                        )  
                        )  
Petitioner,         )  
                        )  
                        )  
vs.                   )              Case No. CIV-09-1380-M  
                        )  
                        )  
UNITED STATES OF AMERICA,     )  
                        )  
                        )  
Respondent.         )

**ORDER**

On February 17, 2010, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. The Magistrate Judge recommended that the petition for a writ of habeas corpus be dismissed on filing without prejudice and that petitioner's motion for summary judgment be denied. Petitioner was advised of his right to object to the Report and Recommendation by March 9, 2010, and on that date, petitioner filed his objection.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on February 17, 2010;
- (2) DENIES petitioner's motion for summary judgment [docket no. 9], and
- (3) DISMISSES petitioner's petition for a writ of habeas corpus without prejudice.

**IT IS SO ORDERED this 16th day of March, 2010.**



VICKI MILES-LAGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE